

**REMARKS**

Claims 1-31 have been examined. With this amendment, Applicant adds claims 32-35.

Claims 1-35 are all the claims pending in the application.

**I. Drawings**

The Examiner has objected to the drawings for not showing every feature of the invention specified in the claims. Specifically, the Examiner objects to the following:

- 1) The feature “inspection image that includes marks deposited correspondingly to positions of said respective light emitting elements” is allegedly not shown in the drawings. Applicant respectfully disagrees.

Fig. 4 illustrates a non-limiting embodiment that has an inspection image 43 with blocks 42 that represent an arrangement of the light emitting elements (see also at least page 12, line 11 to page 13, line 26 of the Specification). Therefore, Applicant submits that at least Fig. 4 supports the claimed feature.

- 2) The feature that the photoelectric converter receives light after the light has been reflected is allegedly not shown in the drawings. Applicant is submitting one new replacement sheet including Fig. 8.

Fig. 8 illustrates a photoelectric converter that receives reflected light. Support for Fig. 8 may be found at least at page 17, line 22 to page 18, line 1 of the Specification.

For at least the reasons given above, Applicant requests the objection to the drawings be withdrawn.

**AMENDMENTS TO THE DRAWINGS**

Applicant is submitting one new replacement drawing sheet including Fig. 8. The figure illustrates a non-limiting embodiment of the invention where the photoelectric converter receives reflected light.

Attachment: 1 New Sheet

**II. Claim Rejections - 35 U.S.C. § 112**

The Examiner has rejected claims 28-31 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. However, the Examiner's contentions appear to indicate issues related to §112, first paragraph. Specifically, whether the Specification has an adequate written description to support the claimed reflection as set forth in claims 28-31.

Applicant submits that the Specification as originally filed clearly discloses to one skilled in the art a non-limiting embodiment of the invention where the photoelectric converter (a non-limiting example would be a CCD) receives light reflected from a recording sheet (e.g., see page 17, line 21 to page 18, line 1). One skilled in the art would readily recognize that an example of such a device is a reflection-type scanner for scanning documents and photographs.

Accordingly, claims 28-31 are fully supported by the specification as originally filed and the claimed features would be clear to one skilled in the art. In addition, newly submitted Fig. 8 further supports the claimed subject matter.

Therefore, Applicant requests that the §112, second paragraph, rejection be withdrawn.

**III. Claim Objections - 35 U.S.C. § 132**

The Examiner has objected to claims 1, 2 and 19 under 35 U.S.C. 132 alleging that new matter has been added that is not supported by the disclosure. Applicant notes that the alleged new matter, "inspection image that includes marks deposited correspondingly to positions of said respective light emitting elements," is only recited in independent claims 1 and 6. Applicant did not modify claims 2 and 19 in the response filed on November 12, 2004. Therefore, any reference to new matter in claims 2 and 19 is incorrect.

With respect to the alleged new matter issue, Applicant submits that the Specification, e.g., page 4, lines 22-24, clearly discloses that the light-emission states may be shown on a display so as to correspond to an arrangement of the light emitting elements. “The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” MPEP at 2100-178.

Therefore, Applicant submits that at least the above disclosure in the Specification fully supports the claimed display for showing an inspection image as recited in claims 1 and 6. In addition, Applicant submits that Fig. 4 illustrates a non-limiting embodiment that has an inspection image 43 with blocks 42 that represent an arrangement of the light emitting elements (see also Specification at page 12, line 11 to page 13, line 26).

Accordingly, Applicant requests that the Examiner withdraw the objection to claims 1, 2 and 19.

**IV. Claim Objections - 37 C.F.R. § 1.75**

The Examiner has objected to claims 4 and 16 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

The Examiner has also objected to claims 5 and 17 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant submits that the modifications to claims 4, 5, 16 and 17 obviate the objection.

**IV. Claim Rejections - 35 U.S.C. § 103**

The Examiner has rejected claims 1, 6, 13 and 18 under 35 U.S.C. 103(a) as being unpatentable over Asakura (JP 408137413A) [“Asakura”] in view of Abe *et al.* (JP 406113078A) [“Abe”]. For at least the following reasons, Applicant traverses the rejection.

With respect to independent claims 1 and 6, Applicant notes that the Examiner concedes that the claimed inspection image that includes marks deposited correspondingly to positions of said respective light emitting elements is not disclosed by the prior art. See Office Action at page 11, Allowable Subject Matter. Applicant submits that, for at least the reasons given above, this subject matter is fully supported in the Specification. Accordingly, Applicant submits that claims 1 and 6 are patentable.

Claim 13 recites an inspecting method that comprises “automatically judging whether said light source is a defect or not, on the basis of an inspection result of said light-emission state.” The Examiner concedes that Asakura does not disclose this feature but applies Abe to allegedly cure the deficiency. The Examiner contends that one skilled in the art would have been motivated to combine the inspection method of Asakura with the judgment means of Abe to detect “any defect in a light source with ease and efficiency and without any strain to the human eye in a manufacturing environment.” Office Action at page 8.

“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” MPEP at 2100-131. Here, the Examiner has not provided support in the prior art for his

proffered reason, “ease and efficiency and without any strain to the human eye,” to combine the references. Accordingly, Applicant submits that the Examiner has failed to make a *prima facie* case of obviousness.

In addition, Applicant submits that there is no motivation to combine the references as suggested by the Examiner. The method of inspection in Abe requires a roller, board or lid that has different tone areas (e.g., areas that are halftone, white and black) as a reference. The light is read off the tone areas and the quality of the light emitting elements and the reading sensor is judged (Constitution). There is no disclosure or suggestion in Abe that an inspection of the light emitting elements can occur without the reference tone areas. Therefore, Applicant submits that Abe does not disclose or suggest directly measuring the light from the light emitting elements.

Asakura discloses that the inspection of the LEDs is performed either visually or through a CCD. Applicant submits that a fair reading of Asakura would suggest that the method of inspection is to directly view or measure the LEDs. There is no disclosure or suggestion in Asakura of indirect measurement of the LEDs by the use of reference areas as a means to judge the quality of the LEDs. Without such a suggestion, Applicant submits that one skilled in the art would not have combined the references as contended by the Examiner. Accordingly, the Examiner has failed to make a *prima facie* case of obviousness for this additional reason.

Because claim 18 recites features similar to those given above with respect to claim 13 and the Examiner’s rejection of claim 18 is similar to that given above for claim 13, Applicant submits that the Examiner has failed to make a *prima facie* case of obviousness for claim 18 for at least reasons similar to those given above with respect to claim 13.

The Examiner has rejected claims 2-5, 7-12, 14-17 and 19-31 under 35 U.S.C. 103(a) as being unpatentable over Asakura in view of Abe, Yamaura (JP 02000136982A) [“Yamaura”] and Thornton (US 5,847,754) [“Thornton”]. For at least the following reasons, Applicants traverse the rejection.

Because claims 2-5, 7-12, 14-17 and 19-31 depend on claims 1, 6, 13 and 18 and Yamaura and Thornton do not cure the deficient teachings of Asakura and Abe, Applicant submits that these claims are patentable at least by virtue of their respective dependencies.

**Claims 2, 7, 14 and 19:**

In addition, with respect to claims 2, 7, 14 and 19, the Examiner concedes that the claimed diffusion member is not disclosed by Asakura and Abe but applies Thornton to allegedly cure the deficiency. The Examiner contends that it would have been obvious for one skill in the art to incorporate the diffuser of Thornton into the display device of Asakura to provide more accurate imaging during normal operation.

Thornton relates to a film scanner and its diffuser is for film scanners (col. 1, lines 9-11). The diffuser allows the light to enter the film at different angles in order to reduce the visibility of scratches and to provide tonal gradations within the film image (col. 2, lines 15-18). There is no disclosure or suggestion in Thornton of using diffusers in a semiconductor light emitting display device as disclosed in Asakura.

Asakura, which is the primary reference, does not disclose or suggest that diffusers would provide a more accurate image as contended by the Examiner. Applicant submits that modifying the display device of Asakura with the diffuser of Thornton will degrade the image quality from

the display device. In fact, the Examiner even suggests that a diffuser will blur the light emitting elements. See Office Action at pages 10-11. Accordingly, Applicant submits that the Examiner's proffered reason to combine the references is not supported by the prior art or even by the Examiner's own reasoning.

In addition, even if the references were combined as suggested by the Examiner, they still do not disclose the claimed diffusion member being removed when displaying a light-emission state as set forth in method claim 2 (method claimed 14 recites a similar feature) or the claimed removal of the diffusion member when showing an inspection image as set forth in system claim 7 (system claim 19 recites a similar feature).

To cure this deficiency, the Examiner speculates as to why it would have been obvious for one skilled in the art to have removed the diffuser for inspection. However, none of the Examiner's speculations (see page 3 and pages 10-11) is supported by the prior art. In fact, on page 3 of the Office Action, the Examiner uses Applicant's disclosure as a basis for supporting the obviousness rejection. Applicant submits that use of Applicant's specification is improper since it is hindsight reconstruction.

Because the rest of the Examiner's contentions are not supported in the prior art, Applicant submits that the Examiner has not established a *prima facie* case of obviousness.

**Claims 10 and 21:**

With respect to claims 10 and 21, the Examiner concedes that Asakura does not disclose the claimed light emitting element for emitting infrared rays but contends that it would have been

obvious for one skilled in the art to incorporate IR light emitting elements because “an array of light sources with a broader spectral content can easily and more accurately [be] inspected for any defect in a manufacturing environment.” Office Action at page 10.

Applicant submits that the Examiner’s proffered reason does not provide the motivation to modify the display device of Asakura to include IR light emitting elements. The fact that the modified light source might have a broader spectral content does not provide any suggestion to modify the display device of Asakura. The motivation to combine must come from any advantage that an IR light emitting element might provide for the display device itself, not that subsequent inspections would be easier with a light source that has a broader spectral content (even assuming that this contention is accurate). Accordingly, the Examiner’s motivation to combine the references is not supported in the prior art.

In addition, Asakura contemplates visual inspection of its light sources. Therefore, adding IR light emitting elements would change the principle of operation for the inspection method disclosed by Asakura. Because the Examiner’s contentions would change the principle of operation for the inspection method, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness for this additional reason.

#### **V. Priority**

The Examiner states that in the previous office action he erroneously indicated on the PTOL-326 form that all certified copies of the foreign applications have been received. Specifically, the Examiner states that a certified copy of JP 2002-019049 was not received.

As indicated in the Declaration and Power of Attorney filed on February 11, 2002, Applicant does not claim priority from JP 2002-019049. A copy of the Declaration is attached for the Examiner's convenience. Accordingly, Applicant submits that a certified copy of JP 2002-019049 is not required to be submitted.

**VI. New Claims**

With this amendment, Applicant adds claims 32-35. Applicant submits that these claims are patentable at least by virtue of their respective dependencies, as well as the features set forth therein.

**VII. Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 1 and 6 would be allowable if the objections and rejection detailed above can be overcome. Applicant submits that the above response has overcome the rejections and objections. Therefore, at least claims 1-12, 24, 25, 28 and 29 are allowable.

**VIII. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**Amendment Under 37 C.F.R. § 1.111  
U.S. Serial No. 10/071,182**

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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